

***Appendix D: Plaintiffs' Proposed Special Verdict Forms for the
Consumer Protection Classes***

Set forth below are suggested interrogatories that would be presented on Special Verdict Forms at Trial. This form is meant to be illustrative only, and not comprehensive. Plaintiffs may suggest changes to the special interrogatories herein. Moreover, the absence of any claim or state from the suggested classes is not intended to constitute a waiver of any claims currently, or in the future, brought in this action. Note also that, under some statutes, the Court and not a jury make the required findings.

UNFAIR AND DECEPTIVE CONDUCT CONSUMER PROTECTION CLASS

Some states prohibit unfair and deceptive trade practices. These states are: California, Florida, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York, Ohio, and Washington.

Do you find by a preponderance of the evidence the following:

- (i) Did FCA engage in an unfair act or practice in the conduct of trade or commerce?**

Yes ☐

No ☐

- (ii) Did FCA engage in a deceptive act or practice in the conduct of trade or commerce?**

Yes ☐

No ☐

- (iii) Did FCA's conduct cause Plaintiffs and the Class to lose money?**

Yes ☐

No ☐

- (iv) Have Plaintiffs proved by a preponderance of the evidence the amount of money lost as a result of FCA's conduct?**

Yes ☐

No ☐

If "yes," complete the following blank: The Court awards damages to Plaintiffs and the Unfair and Deceptive Conduct Consumer Protection Class in the amount of \$_____. (If you answered "no," do not complete the blank.)

OMISSIONS CONSUMER PROTECTION CLASS

Some states prohibit a defendant from omitting or concealing material facts from consumers. These states are: Illinois, Michigan, Nevada, and New Jersey.

Do you find by a preponderance of the evidence the following:

- (i) Did FCA conceal or omit material facts in the conduct of trade or commerce?**

Yes ☐

No ☐

- (ii) Did FCA's conduct cause Plaintiffs and the Class to lose money?**

Yes ☐

No ☐

- (iii) Have Plaintiffs proved by a preponderance of the evidence the amount of money lost as a result of FCA's conduct?**

Yes ☐

No ☐

If "yes," complete the following blank: The Court awards damages to Plaintiffs and the Omissions Consumer Protection Class in the amount of \$_____. (If you answered "no," do not complete the blank.)

UNCONSCIONABLE ACTS OR PRACTICES CONSUMER PROTECTION CLASS

Some states prohibit a “unconscionable” commercial practices. These states are: New Jersey, Texas, and Utah.

Do you find by a preponderance of the evidence the following:

(i) Did FCA commit unconscionable commercial practices?

Yes ☐

No ☐

(ii) Did FCA’s conduct cause Plaintiffs and the Class to lose money?

Yes ☐

No ☐

(iii) Have Plaintiffs proved by a preponderance of the evidence the amount of money lost as a result of FCA’s conduct?

Yes ☐

No ☐

If “yes,” complete the following blank: The Court awards damages to Plaintiffs and the Unconscionable Acts or Practices Consumer Protection Class in the amount of \$_____.
(If you answered “no,” do not complete the blank.)